

REMARKS

The Office Action mailed January 16, 2003, has been carefully considered. The present amendment is intended to be a complete response thereto and to place the case in condition for allowance. A Request for a three month extension of time and fee therefor is filed herewith.

Claims 1-26 are pending. Claims 1-5, 7, 9-11, 15, and 21 have been amended.

CLAIM DEPENDENCIES ARE NOW PROPER

Claims 4-11 stand objected to under 37 C.F.R. 1.75(c) as being in improper because a multiple dependent claim cannot depend from other multiple dependent claims. The claims have been amended to remove any multiple dependency; therefore, Applicant respectfully request withdrawal of the objection.

THE CLAIMS ARE NOT INDEFINITE

Claim 21 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite because "the claim includes the text of claim 22." The claim has been amended to delete the offending text, as suggested by the Examiner; therefore, withdrawal of the rejection is respectfully solicited.

THE CLAIMS ARE NOT ANTICIPATED

Claims 1-2, 4, 6, 11, 22-23, and 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by Oba et al. (U.S Patent No. 4,767,693). Claims 12-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Glushko (U.S Patent No. 6,039,898). Applicant respectfully traverses the rejection.

To anticipate a claim, the reference must teach every element of the claim. See MPEP § 2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Oba et al. fail to teach every element of the claims because the reference fails to disclose a fluorescent dye as required by independent claims 1, 12 and 22. The dye of Oba et al. are organic dyes that may or may not fluoresce. Fluorescent dye differs from non-fluorescent dye in that the fluorescent dye emits electromagnetic radiation, especially visible light, due to stimulation by an incident radiation. On the other hand, the non-fluorescent dye merely absorbs and/or reflects light. The fluorescent dye actually modifies the light incident upon it and emits light at a different wavelength than the incident light, while the non-fluorescent dye merely absorbs and/or reflects the incident light where the wavelengths absorbed and reflected are the same as that incident upon the dye.

The cyanine dyes of Oba et al. may or may not fluoresce. The reference is silent in regard to this limitation of independent claims 1, 12 and 22. The present invention requires a fluorescent dye which is not taught by Oba et al. Therefore, the reference cannot anticipate the invention as claimed.

Glushko fails to disclose a fluorescent composition of the present invention which requires a fluorescent dye, a film-forming polymer, and a plasticizer. None of these

components are mentioned by Glushko. Therefore, Glushko cannot anticipate the present invention under 35 U.S.C. 102.

For the reasons noted, each of the references fails to disclose every element of the claimed invention. Accordingly, the rejections under 35 U.S.C. § 102 are improper and should be withdrawn.

ALLOWABLE SUBJECT MATTER

Applicant gratefully acknowledges the Examiner indicating claims 3, 5, 7-10, 15-20, and 24-25 as being allowable if rewritten in independent form.

CONCLUSION

Applicant has responded to the Office action mailed January 16, 2003. All pending claims are now believed to be allowable and favorable action is respectfully requested.

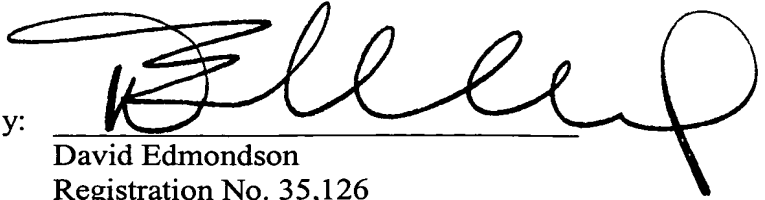
In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (109289-00138). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely.

Any fees due are authorized above.

Respectfully submitted,

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